# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 99-372-F1)

In re Application of: Welcher et al.	
Serial No.: 11/200,389	Before the Examiner: J. Seharaseyo
Filed: August 8, 2005	Group Art Unit: 1647
For: Interferon-like Molecules and Uses Thereof	) Confirmation No.: 3469

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir

#### RESPONSE TO OFFICE ACTION MAILED NOVEMBER 23, 2007

Responsive to the Office Action mailed November 23, 2007, Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks.

Amendments to the Specification: Pursuant to 37 C.F.R. § 1.121, Applicants present the amendments to the specification at page 2, marked up to show changes made relative to the immediate prior version of the specification.

Amendments to the Claims: Pursuant to 37 C.F.R. § 1.121, Applicants present a complete listing of the claims, including marked up versions of all currently amended claims, at pages 3-5

Remarks: Applicants' Remarks begin on page 6 of this paper.

### Amendments to the Specification under 37 C.F.R. § 1.121

Please amend the specification at page 1, line 1 as follows:

### INTERFERON-LIKE-MOLECULES PROTEINS AND USES THEREOF

#### Amendments to the Claims under 37 C.F.R. § 1.121

Claim 1 (original): An isolated polypeptide comprising an amino acid sequence:

- (a) as set forth in SEO ID NO: 5; or
- (b) encoded by the DNA insert in ATCC Deposit No. PTA-976.

Claim 2 (currently amended): An isolated polypeptide comprising:

- (a) an the amino acid sequence as set forth in SEQ ID NO: 6, optionally further comprising an amino-terminal methionine:
- (b) an amino acid sequence that is at least about 70 percent identical to the amino acid sequence set forth in SEQ ID NO: 5, wherein the polypeptide upon exposure to mammalian cells, causes an increase in cellular protein tyrosine phosphorylation; or
- (c) a fragment of the amino acid sequence set forth in SEQ ID NO: 5 comprising at least about 25 amino acid residues, wherein the polypeptide upon exposure to mammalian cells, causes an increase in cellular protein tyrosine phosphorylation, or is antigenic.

Claim 3 (cancelled).

Claim 4 (currently amended): An isolated polypeptide encoded by a nucleic acid molecule comprising a nucleotide sequence:

- (a) as set forth in SEQ ID NO: 4;
- (b) of the DNA insert in ATCC Deposit No. PTA-976; or
- (c) encoding a polypeptide as set forth in SEQ ID NO: 5; or
- (d) that hybridizes to the complement of the nucleotide sequence of any of (a)-(c) under-hybridization conditions allowing no more than a 21% mismatch-between the nucleotide sequences;

wherein the encoded polypeptide upon exposure to mammalian cells, causes an increase in cellular protein tyrosine phosphorylation.

Claims 5-7 (cancelled).

Claim 8 (currently amended): A composition comprising the polypeptide of any of Claims 1, 2, or 3, 4, and a pharmaceutically acceptable formulation agent.

Claim 9 (original): The composition of Claim 8, wherein the pharmaceutically acceptable formulation agent is a carrier, adjuvant, solubilizer, stabilizer, or anti-oxidant.

Claim 10 (currently amended): The composition of Claim 8, wherein the polypeptide comprises an-the amino acid sequence as set forth in SEQ ID NO: 6.

Claim 11 (currently amended): A polypeptide comprising a derivative of the polypeptide of any of Claims 1, 2, or 3.4.

Claim 12 (original): The polypeptide of Claim 11 that is covalently modified with a watersoluble polymer.

Claim 13 (original): The polypeptide of Claim 12, wherein the water-soluble polymer is polyethylene glycol, monomethoxy-polyethylene glycol, dextran, cellulose, poly-(N-vinyl pyrrolidone) polyethylene glycol, propylene glycol homopolymers, polypropylene oxidelethylene oxide copolymers, polyoxyethylated polyols, or polyvinyl alcohol.

Claims 14 (currently amended): A fusion polypeptide comprising the polypeptide of any of Claims 1, 2, or 3 4 fused to a heterologous amino acid sequence.

Claim 15 (original): The fusion polypeptide of Claim 14, wherein the heterologous amino acid sequence is an IgG constant domain or fragment thereof.

Claim 16 (currently amended): A polypeptide produced by a process comprising culturing a host cell comprising a vector comprising a nucleic acid molecule comprising a nucleotide sequence:

- (a) as set forth in SEQ ID NO: 4;
- (b) of the DNA insert in ATCC Deposit No. PTA-976; or
- (c) encoding a polypeptide as set forth in SEQ ID NO: 5;-or
- (d) that hybridizes to the complement of the nucleotide sequence of any of (a)-(e) under hybridization conditions allowing no more than a 21% mismatch between the nucleotide sequences;

wherein the polypeptide upon exposure to mammalian cells, causes an increase in cellular protein tyrosine phosphorylation;

under suitable conditions to express the polypeptide, and optionally isolating the polypeptide from the culture.

Claims 17-18 (cancelled).

Claim 19 (currently amended): The polypeptide of any of Claim[[s]] 16, 17, or 18, wherein

the host cell is a eukaryotic cell.

Claim 20 (currently amended): The polypeptide of any of Claim[[s]] 16, 17, or 18, wherein

the host cell is a prokaryotic cell.

#### REMARKS

Claims 2, 4, 8, 10, 11, 14, 16, 19, and 20, as amended, and claims 1, 9, 12, 13, and 15 are pending in the instant application. Claims 3, 5-7, 17, and 18 have been canceled without prejudice or disclaimer. No new matter has been added as a result of the above-described amendments. The rejections set forth in the Office Action have been overcome by amendment or are traversed by argument below.

#### 1. Claim of priority

The Office Action states that the instant application appears to claim subject matter disclosed in U.S. Application No. 09/927,850 (the '850 application), and that Applicants must amend the specification to insert a reference to the '850 application as the first sentence of the specification if Applicants intend to rely on the filing date of the '850 application under 35 U.S.C. §§ 119(e), 120, 121, or 365(c).

Coinciding with the submission of this Response, Applicants have submitted a Petition for an Unintentionally Delayed Domestic Priority Claim in order to amend the first sentence of the instant application to insert a reference to the '850 application.

#### 2. Objections to the Specification

The Office Action contains an objection to the specification because the title of the invention is not descriptive. The Action states that a new title is required that is clearly indicative of the invention to which the claims are directed.

Applicants have amended the title to read: "Interferon-Like Proteins and Uses Thereof," which Applicants contend is clearly indicative of the invention to which the claims are directed. Applicants, therefore, respectfully request that this ground of objection be withdrawn.

The Office Action asserts an objection to the specification because of the improper use of the trademark "Quick Spin" and "Taq polymerase," which the Action states should be capitalized and accompanied by generic terminology.

Applicants have searched the U.S. Patent and Trademark Office Trademark Electronic Search System (TESS), but have not found a record for the term "Ouick Spin" with respect to Qiagen's G-50 column. Applicants were also unable to find a record for the term "Taq polymerase." Applicants contend that because the terms "Quick Spin" and "Taq polymerase" do not appear to be registered trademarks, these terms do not to be capitalized or accompanied by generic terminology. Applicants respectfully request that this ground of objection be withdrawn.

#### 3. Rejection of claims 5, 6, and 16-20 under 35 U.S.C. § 112, second paragraph

Claims 5, 6, and 16-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention.

#### a. Hybridization conditions

Claims 5, 6, and 16-18 are rejected for reciting the term "hybridization conditions," which the Action states is insufficiently defined in the specification.

Applicants have cancelled claims 5, 6, 17, and 18, and have amended claim 16 to delete subpart (d). As claim 16 no longer recites hybridization conditions, Applicants respectfully request that this ground of rejection be withdrawn.

## b. Polypeptide production

Claims 16-18 are rejected for being indefinite since it is unclear how the polynucleotide complements of claims 16(d), 17(e), and 18(b) can encode a polypeptide having the activity of the polypeptides disclosed in the specification.

Applicants have cancelled claims 17 and 18, and have amended claim 16 to delete subpart (d). As claim 16 no longer recites subpart (d), Applicants respectfully request that this ground of rejection be withdrawn.

### c. IFN-L polypeptide

Claims 2, 5, and 17 are rejected as being vague and indefinite for the reciting the term "at least about "

Applicants have cancelled claims 5 and 17, and have amended claim 2 to delete subpart (b).

As claim 2 no longer recites the term "about," Applicants respectfully request that this ground of rejection be withdrawn.

Applicants submit that the claims as amended are in condition for allowance and respectfully request that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

#### 4. Rejection of claims 1-20 under 35 U.S.C. § 112, first paragraph

 a. Rejection of claims 1-20 under the enablement requirement of 35 U.S.C. § 112, first paragraph

Claims 1-20 are rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification such that one of skill in the art could make and use the invention as claimed. The Action specifically asserts that all possible variants of SEQ ID NO: 5 are not enabled, and that the amount of experimentation required to determine these variants would be undue.

Applicants respectfully disagree with the Action's assertion that the claimed variants of SEQ ID NO: 5 are not enabled. Nevertheless, solely in an effort to expedite prosecution of the pending claims to allowance, Applicants have cancelled claims 5, 6, 17, and 18, and have deleted claims 2(b), 2(c), 4(d), and 16(d). As the pending claims no longer recite variants of SEQ ID NO: 5, Applicants respectfully request that this ground of rejection be withdrawn.

Applicants reserve the right to pursue claims directed to the cancelled or deleted subject matter in a timely filed continuation or divisional application, or alternatively, reintroduce the cancelled or deleted subject matter in the instant application at such time as the Office indicates that the pending claims are otherwise in condition for allowance.

The Action also asserts that phrases such as "an amino acid sequence" and "a nucleic acid molecule" in the claims read upon various variants and fragments. Applicants have cancelled claim 6 and 18, and have amended claims 2(a) and 10 to recite "the" rather than "a" or "an." Applicants, therefore, respectfully request that this ground of rejection be withdrawn.

The Action further asserts that Applicants' referral to the deposit of PTA-976 in the specification and in claims 1, 4, 5, 16 and 17 is an insufficient assurance that all of the conditions of 37 C.F.R §§ 1.801-1.809 have been met. The Action states that Applicants must submit a statement

by an attorney of record over his or her signature, stating that a deposit has been made under the terms of the Budapest Treaty and that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent. The Action further states that the instant specification must be amended to recite the date of the deposit and the complete name and address of the depository, and that the claims must be amended to recite the accession number.

Pursuant to the Examiner's request, Applicants' representative submits the following statement; Applicants deposited cDNA encoding human IFN-L polypeptide with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-2209. The deposit was accepted by the ATCC, an International Depository Authority, under the provisions of the Budapest Treaty, and the deposit was designated as PTA-976. A copy of the ATCC receipt for this deposit, showing the patent deposit designation (Accession No. PTA-976) and the date on which the deposit was received by the ATCC (November 23, 1999), is attached. Pursuant to 37 C.F.R. § 1.808(a)(2), the deposit was made under conditions that assure that all restrictions imposed by the depositors on the availability to the public of the deposited material would be irrevocably removed upon the granting of a patent relying on the deposited biological material. In making the deposit, Applicants acknowledged their responsibility, pursuant to 37 C.F.R. § 1.805, to provide a replacement or supplemental deposit if the depository possessing the deposit is unable to furnish samples thereof or is able to furnish samples thereof but the deposit has become contaminated or has lost its capability to function as described in the specification. With regard to the assertion that the date of the deposit and the complete name and address of the depository is not referred to in the body of the specification, Applicants respectfully direct the Examiner's attention to page 92, lines 25-28 of the specification as-filed, where Applicants disclose that a deposit of cDNA encoding human IFN-L polypeptide, subcloned into pSPORT1 (Gibco BRL) and transfected into E. coli strain DH10B, having Accession No. PTA-976, were made with the American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20110-2209 on November 23, 1999. With regard to the assertion that the accession number of the deposit is not referred to in the claims. Applicants respectfully direct the Examiner's attention to claims 1(b), 4(b), and 16(b), as originally filed. Applicants contend that all the requirements of 37 C.F.R. §§ 1.801-1.809 have been met. In re Lundak, 225 U.S.P.Q. 90 (Fed. Cir. 1985). Withdrawal of this rejection is therefore respectfully solicited.

Applicants submit that the claims as amended are in condition for allowance, and respectfully request that the rejections under the enablement requirement of 35 U.S.C. § 112, first paragraph, be withdrawn.

b. Rejection of claims 1-20 under the written description requirement of 35 U.S.C. § 112. first paragraph

Claims 1-20 have been rejected as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Action asserts that the specification does not disclose all possible variants of nucleic acid molecules that hybridize to the complement of the claimed nucleotide sequences with more than 21% mismatch. The Action also asserts that specification has failed to disclose any other sequence contemplated in the instant claims including IFN-L fragments and other variants, and thus the skilled artisan cannot envision the detailed chemical structures of the claimed polypeptide sequences. Finally, the Action asserts that the species specifically disclosed are not representative of the genus because the genus is highly variant.

Applicants respectfully disagree with the Action's assertion that the specification does not contain an adequate written description of the claimed invention. Nevertheless, solely in an effort to expedite prosecution of the pending claims to allowance, Applicants have cancelled claims 5, 6, 17, and 18, and have deleted claims 2(b), 2(e), 4(d), and 16(d). As the pending claims no longer recite the variants described above, Applicants respectfully request that this ground of rejection be withdrawn.

Applicants reserve the right to pursue claims directed to the cancelled or deleted subject matter in a timely filed continuation or divisional application, or alternatively, reintroduce the cancelled or deleted subject matter in the instant application at such time as the Office indicates that the pending claims are otherwise in condition for allowance.

Applicants submit that the claims as amended are in condition for allowance, and respectfully request that the rejection under the written description requirement of 35 U.S.C. § 112, first paragraph, be withdrawn.

#### 5. Rejection of claims 1-20 under 35 U.S.C. § 102(e)

The Office Action asserts a rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,433,145 (the '145 patent).

Pursuant to 37 C.F.R. § 41.202, Applicants suggest that an interference be declared between the instant application and U.S. Patent No. 6,433,145 (the '145 patent). The '145 patent issued on August 13, 2002 from U.S. Application No. 09/487,792 (the '792 application), which was filed on January 20, 2000. The '792 application is a continuation-in-part of U.S. Application No. 09/358,587 and International Application No. PCT/US99/16424, both filed on July 21, 1999, and claims the benefit of U.S. Provisional Application No. 60/093,643, filed July 21, 1998.

Applicants believe claims 1 and 51 of the '145 patent interfere with claims 1 and 2 of the instant application. Claims 1 and 51 of the '145 patent read as follows:

- 1. An isolated protein comprising a polypeptide having an amino acid sequence selected from the group consisting of:
  - (a) amino acids 1 to 207 of SEQ ID NO:2;
  - (b) amino acids 7 to 207 of SEQ ID NO:2;
  - (c) amino acids 2 to 207 of SEQ ID NO:2; and
  - (d) amino acids 28 to 207 of SEQ ID NO:2.
- 51. An isolated protein comprising a polypeptide having an amino acid sequence selected from the group consisting of:
- (a) the amino acid sequence of a fragment of amino acid residues 1 to 207 of SEQ ID NO:2, wherein the fragment has anti-viral activity;
- (b) the amino acid sequence of a fragment of amino acid residues 1 to 207 of SEO ID NO:2, wherein the fragment inhibits bone marrow proliferation:
- (c) the amino acid sequence of a fragment of amino acid residues 1 to 207
- of SEQ ID NO:2, wherein the fragment activates the Jak/Stat pathway; and
- (d) the amino acid sequence of a fragment of amino acid residues 1 to 207 of SEQ ID NO:2, wherein the fragment binds an antibody that specifically binds a protein having the amino acid sequence of SEQ ID NO:2.

Claims 1 and 2 of the instant application read as follows:

- An isolated polypeptide comprising an amino acid sequence:
  - (a) as set forth in SEQ ID NO: 5; or
  - (b) encoded by the DNA insert in ATCC Deposit No. PTA-976.
- 2. An isolated polypeptide comprising the amino acid sequence as set forth in SEQ ID NO: 6, optionally further comprising an amino-terminal methionine.

Applicants propose the following counts:

- 1. An isolated polypeptide comprising the amino acid sequence of amino acids 1 to 207 of SEO ID NO:2 of U.S. Patent No. 6,433,145.
- An isolated polypeptide comprising the amino acid sequence of a fragment of
  amino acid residues 1 to 207 of SEQ ID NO:2, wherein the fragment has anti-viral
  activity, inhibits bone marrow proliferation, activates the Jak/Stat pathway, or binds
  an antibody that specifically binds a protein having the amino acid sequence of SEQ
  ID NO:2.

A comparison between the proposed counts, claims 1(a) and 51 of the '145 patent, and claims 1(a) and 2 of the instant application is provided in the claim chart below:

		Claim 1(a) of the instant
Count 1	Claim 1(a) of '145 patent	application
An isolated polypeptide	An isolated protein	An isolated polypeptide
	comprising a polypeptide	
comprising the amino acid	having an amino acid	comprising an amino acid
sequence of amino acids 1 to	sequence [that is] amino	sequence as set forth in
207 of SEQ ID NO:2. of	acids 1 to 207 of SEQ ID	SEQ ID NO: 5
U.S. Patent No. 6,433,145.	NO:2[.]	
		Claim 2 of the instant
Count 2	Claim 51 of '145 patent	application
An isolated polypeptide	An isolated protein	An isolated polypeptide
	comprising a polypeptide	
comprising the amino acid	having an amino acid	comprising the amino acid

sequence of a fragment of	sequence [that is] the amino	sequence as set forth in
amino acid residues 1 to	acid sequence of a fragment	SEQ ID NO: 6
207 of SEQ ID NO:2,	of amino acid residues 1 to	
	207 of SEQ ID NO:2,	
wherein the fragment has	wherein the fragment has	[While claim 2 does not
anti-viral activity, inhibits	anti-viral activity;	expressly recite this
bone marrow proliferation,	wherein the fragment	limitation, the polypeptide
activates the Jak/Stat	inhibits bone marrow	recited in the claim, which
pathway, or binds an	proliferation; wherein	is the mature form of the
antibody that specifically	the fragment activates the	full-length IFN-L
binds a protein having the	Jak/Stat pathway; [or]	polypeptide, would
amino acid sequence of	wherein the fragment binds	inherently have such
SEQ ID NO:2.	an antibody that specifically	properties.]
	binds a protein having the	
	amino acid sequence of	
	SEQ ID NO:2.	

The sequence alignment provided in Exhibit A indicates that the amino acid sequence of SEQ ID NO: 5 of the instant application shares 100% sequence identity with amino acids 1 to 207 of SEQ ID NO: 2 of the '145 patent. Applicants contend that because the amino acid sequence of SEQ ID NO: 5 of claim 1(a) of the instant application and amino acids 1 to 207 of SEQ ID NO: 2 of claim 1(a) of the '145 patent share 100% identity, the subject matter of either claim would, if prior art, have anticipated the subject matter of the other claim.

The sequence alignment provided in Exhibit B indicates that the amino acid sequence of SEQ ID NO: 6 of the instant application shares 100% sequence identity with amino acids 30 to 207 of SEQ ID NO: 2 of the '145 patent. The amino acid sequence of SEQ ID NO: 6 is, therefore, a fragment of amino acid residues 1 to 207 of SEQ ID NO: 2 of the '145 patent. Applicants contend that because the amino acid sequence of SEQ ID NO: 6 is the mature form of the amino acid sequence of SEQ ID NO: 2 of the '145 patent (as well as of the amino acid sequence of SEQ ID NO: 5 of the instant application), the amino acid sequence of SEQ ID NO: 6 would have anti-viral

activity, inhibit bone marrow proliferation, activate the Jak/Stat pathway, or bind an antibody that specifically binds a protein having the amino acid sequence of SEQ ID NO: 2. Applicants also contend that because the amino acid sequence of SEQ ID NO: 6 of claim 2 of the instant application shares 100% identity with a fragment of the amino sequence of SEQ ID NO: 2 of the '145 patent, and the mature form would have anti-viral activity, inhibit bone marrow proliferation, activate the Jak/Stat pathway, or bind an antibody that specifically binds a protein having the amino acid sequence of SEQ ID NO: 2, the subject matter of either claim 51 of the '145 patent and claim 2 of the instant application would, if prior art, have anticipated the subject matter of the other claim.

Applicants contend that the Declaration Pursuant to 37 C.F.R. § 1.131 which is provided in Exhibit C, and which was submitted on June 24, 2004 for U.S. Application No. 09/927,850 (from which the instant application claims the benefit of priority as a continuation application), establishes that Applicants will prevail on priority were an interference between the instant application and the '145 patent to be declared. In particular, the Declaration provides copies of forty-one (41) pages from the inventors' laboratory notebook showing conception of the claimed invention before July 21, 1998. The laboratory notebook pages show that a genomic cloning approach was used to identify the nucleic acid sequence of human interferon-like polypeptide (see page 34 of laboratory notebook pages). Specifically, three genomic clones were identified as containing nucleic acid sequences encoding at least a portion of human interferon-like polypeptide (clones 2, 6, and 7; see page 40 of laboratory notebook pages). The nucleic acid sequences from these clones were isolated and then recloned into a suitable sequencing vector. One of the three genomic clones was determined to contain a partial nucleic acid sequence for human interferon-like polypeptide and another genomic clone (clone 6) was determined to contain a full-length nucleic acid sequence for human interferon-like polypeptide (see page 62 of laboratory notebook pages). The amino acid sequence of human interferon-like polypeptide was determined from the latter nucleic acid sequence.

The Declaration also provides copies of ten (10) pages from a Research Summary prepared by the inventors showing that the invention disclosed and claimed in the instant patent application was diligently reduced to practice. Specifically, the Research Summary shows that the inventors performed experiments in order to determine the function of protein encoded by the nucleic acid sequence described above, and that once the function of the protein had been determined, the inventors prepared a Research Summary and submitted that Summary to the legal department of

Amgen Inc., the assignee of the instant application. More particularly, the Research Summary shows that several versions of the human and rat IFN-L proteins were produced in a mammalian expression system (see page 7 of Research Summary) and that rat IFN-L:Fc fusion protein treatment of several cell lines was found to cause phosphorylation of cellular proteins (see page 10 of Research Summary). Thus, the Declaration and attachments provided in Exhibit C establish that Applicants will prevail on priority were an interference between the instant application and the '145 patent to be declared.

Applicants note that claims 1(a) and 2 of the instant application were not added or amended in order to provoke an interference. Applicants contend, therefore, that pursuant to 37 C.F.R. § 41.202(a)(5), a claim chart showing the written description for claims 1(a) and 2 in the specification need not be provided.

Finally, Applicants submit the following chart showing where the instant disclosure provides a constructive to reduction of practice within the scope of the interfering subject matter:

	Reduction to Practice
Count 1	in Instant Disclosure
An isolated polypeptide	page 4, lines 9-12;
comprising the amino acid sequence of	page 7, lines 28-30;
amino acids 1 to 207 of SEQ ID NO:2. of	page 11, lines 4-5;
U.S. Patent No. 6,433,145.	page 95, lines 10-16; and
	Figures 2A-2B.
	Reduction to Practice
Count 2	in Instant Disclosure
An isolated polypeptide comprising the	page 4, lines 16-19;
amino acid sequence of a fragment of	page 12, line 28 to page 13, line 3;
amino acid residues 1 to 207 of SEQ ID	page 7, lines 28-30;
NO:2, wherein the fragment has anti-viral	page 95, lines 10-16;
activity.	page 103, lines 20-27; and
	Figures 2A-2B.

In view of the above discussion, Applicants respectfully suggest that an interference be declared between the instant application and the '145 patent.

#### CONCLUSIONS

Applicants respectfully contend that all conditions of patentability are met in the pending claims as amended. Allowance of the claims is thereby respectfully solicited.

If Examiner Scharaseyon believes it to be helpful, he is invited to contact the undersigned representative by telephone at 312-913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Dated: December 23, 2008

By: //Donald L. Zuhn, Jr./
Donald L. Zuhn, Jr., Ph.D.
Reg. No. 48,710

# Exhibit A

	10	20	30	40	50	60
	I	1	1	1	1	1
SEQID2	MSTKPDMIQKCLWI	LEILMGIFIAG	TLSLDCNLLN	VHLRRVTWQN	LRHLSSMSNS	FPVECL
SEQID5	MSTKPDMIQKCLWI	LEILMGIFIAG	TLSLDCNLLN	VHLRRVTWQN	LRHLSSMSNS	FPVECL
	******	*******	******	******	******	*****
Prim.cons.	MSTKPDMIQKCLWI	LEILMGIFIAG	TLSLDCNLLN	VHLRRVTWQN	LRHLSSMSNS	FPVECL
	70	80	90	100	110	120
	1	1	1	1	1	1
SEQID2	RENIAFELPQEFL(	QYTQPMKRDIK	KAFYEMSLQA	FNIFSQHTFK	YWKERHLKQI	QIGLDQ
SEQID5	RENIAFELPQEFL(	QYTQPMKRDIK	KAFYEMSLQA	FNIFSQHTFK	YWKERHLKQI	QIGLDQ
	******	******	******	******	******	*****
Prim.cons.	RENIAFELPQEFL(	QYTQPMKRDIK	KAFYEMSLQA	FNIFSQHTFK	YWKERHLKQI	QIGLDQ
	130	140	150	160	170	180
	I	1	1	1	1	1
SEQID2	QAEYLNQCLEEDE	NENEDMKEMKE	NEMKPSEARV	PQLSSLELRR	YFHRIDNFLK	EKKYSD
SEQID5	QAEYLNQCLEEDE	VENEDMKEMKE	NEMKPSEARV	PQLSSLELRR	YFHRIDNFLK	EKKYSD
	******	*******	******	******	******	*****
Prim.cons.	QAEYLNQCLEEDE	NENEDMKEMKE	NEMKPSEARV	PQLSSLELRR	YFHRIDNFLK	EKKYSD
	190	200				
	I	1				
SEQID2	CAWEIVRVEIRRC	LYYFYKFTALF	RRK			
SEQID5	CAWEIVRVEIRRC	LYYFYKFTALF	RRK			
	*****	*******	* * *			
Prim.cons.	CAWEIVRVEIRRC	LYYFYKFTALF	RRK			

#### Exhibit B

	10	20	30	40	50	60
	1	1	1	1	1	1
SEQID2	MSTKPDMIQKCLWI	EILMGIFIAG	TLSLDCNLLN	VHLRRVTWQN	LRHLSSMSNS	FPVECL
SEQID6			CNLLN	VHLRRVTWQN	LRHLSSMSNS	FPVECL
			****	*****	*****	*****
Prim.cons.	MSTKPDMIQKCLWI	EILMGIFIAG	STLSLDCNLLN	VHLRRVTWQN	LRHLSSMSNS	FPVECL
	70	80	90	100	110	120
	1	1	I	1	1	1
SEQID2	RENIAFELPQEFLQ	YTQPMKRDIK	KAFYEMSLQA	FNIFSQHTFK	YWKERHLKQI	QIGLDQ
SEQID6	RENIAFELPQEFLQ	YTQPMKRDIK	KAFYEMSLQA	FNIFSQHTFK	YWKERHLKQI	QIGLDQ
	*****	*****	*****	*****	*****	****
Prim.cons.	RENIAFELPQEFLÇ	YTQPMKRDIK	KAFYEMSLQA	FNIFSQHTFK	YWKERHLKQI	QIGLDQ
	130	140	150	160	170	180
	1	1	1	1	1	1
SEQID2	QAEYLNQCLEEDEN	ENEDMKEMKE	NEMKPSEARV	PQLSSLELRR	YFHRIDNFLK	EKKYSD
SEQID6	QAEYLNQCLEEDEN	ENEDMKEMKE	NEMKPSEARV	PQLSSLELRR	YFHRIDNFLK	EKKYSD
	******	******	******	*****	******	*****
Prim.cons.	QAEYLNQCLEEDEN	ENEDMKEMKE	NEMKPSEARV	PQLSSLELRR	YFHRIDNFLK	EKKYSD
	190	200				
	1	1				
SEQID2	CAWEIVRVEIRRCL	YYFYKFTALF	RRK			
SEQID6	CAWEIVRVEIRRCL	YYFYKFTALF	RRK			
	******	******	***			
Prim.cons.	CAWEIVRVEIRRCI	YYFYKFTALF	RRK			

# Exhibit C

# THE UNITED ST TES PATENT AND TRADEMARK OFFICE

(Case No. 99-372-F)

Before the Examiner:

Group Art Unit:

PATENT

J. Andres

In re Application of: Welcher Serial No.: 09/927,850

Filed: August 10, 2001

For: Interferon-Like Molecule and Uses Thereof

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# DECLARA' ON PURSUANT TO 37 C.F.R § 1.131

We, Andrew A, Welcher, r iding at 1175 Church Street, Ventura, California; Duanzhi Wen, Alta Mesa Drive, Studio City, Cal ornia; hereby declare:

residing at 3885 Campus Drive, Tousand Oaks, California; and Michael Kelley, residing at 3866 We are named co-i ventors on United States Application No. 09/927,850, filed on

- August 10, 2001.
- 2.
- 3.

The invention disc. sed and claimed in the instant patent application was conceived in the United States by us before. ly 21, 1998 and was then diligently reduced to practice.

Accompanying thi Declaration are photocopies of forty-one (41) pages from our laboratory notebook showing con eption of our invention before July 21, 1998. Specifically, the photocopies of our laboratory not sook show that a genomic cloning approach was used to identify the nucleic acid sequence of huma interferon-like polypeptide (see page 34 of laboratory notebook). Three genomic clones were ider fied as containing nucleic acid sequences encoding at least a portion of human interferon-like t lypeptide (i.e., clones 2, 6, and 7; see page 40). The nucleic acid sequences from these clones were solated and then re-cloned into a suitable sequencing vector. One of the three genomic clones was extermined to contain a partial nucleic acid sequence for human interferon-like polypeptide and a other genomic clone (i.e., clone 6) was determined to contain a full-length nucleic acid sequence or human interferon-like polypeptide (see page 62). The amino acid sequence of human interferon ike polypeptide was determined from the latter nucleic acid sequence.

- The dates on the iboratory notebook pages have been redacted from the photocopies. However, the dates e before July 21, 1998, the date on which U.S. Provisional Application No. 60/093,643 was f >d, from which U.S. Application No. 09/487,792 claims the benefit of priority, from which U. Patent No. 6,433,145 issued on August 13, 2002.
- 10).
- Also accompanying this Declaration are photocopies of ten (10) pages from a Research Summary showing tha the invention disclosed and claimed in the instant patent application was diligently reduce to practice. Specifically, the photocopies of the Research Summary show that experiments ere performed in order to determine the function of protein encoded by the nucleic acid sequer e described in paragraph 3 above, and that once the function of the protein had been determined. Research Summary was prepared and submitted to the legal department of Arngen Inc., the assi nee of the instant application. More particularly, photocopies of the Research Summary show tha several versions of the human and rat IFN-L proteins were produced in a mammalian expres on system (see page 7) and that rat IFN-L:Fc fusion protein treatment of several cell lines wa found to cause phosphorylation of cellular proteins (see page
- The dates on the Research Summary pages have been redacted from the 6. photocopies.
- 7. application or any patent issuing ereon.

We hereby declare urther that all statements made herein by each of us to our own knowledge are true and that all st. ements made on information and belief are believed to be true; and further that these statements v re made with the knowledge that willful false statements and the like so made are punishable by fin or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that su 1 willful false statements may jeopardize the validity of the

Dated: June 10, 2004

Signed: <u>Andrew A. Welcher</u>

Duanyl: Wen

Mulay holly
Michael Kelly

In re Application of: Welcher et al.	)	PATENT
Serial No.: 09/927,850	)	Before the Examiner: J. Andres
Filed: August 10, 2001	)	Group Art Unit: 1646
For: Interferon-Like Molecules and Uses Thereof	)	
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		

#### DECLARATION PURSUANT TO 37 C.F.R § 1.131

Sir:

We, Andrew A. Welcher, residing at 1175 Church Street, Ventura, California; Duanzhi Wen, residing at 3885 Campus Drive, Thousand Oaks, California; and Michael Kelley, residing at 3866 Alta Mesa Drive, Studio City, California; hereby declare:

- We are named co-inventors on United States Application No. 09/927,850, filed on August 10, 2001.
- The invention disclosed and claimed in the instant patent application was conceived in the United States by us before July 21, 1998 and was then diligently reduced to practice.
- 3. Accompanying this Declaration are photocopies of forty-one (41) pages from our laboratory notebook showing conception of our invention before July 21, 1998. Specifically, the photocopies of our laboratory notebook show that a genomic cloning approach was used to identify the nucleic acid sequence of human interferon-like polypeptide (see page 34 of laboratory notebook). Three genomic clones were identified as containing nucleic acid sequences encoding at least a portion of human interferon-like polypeptide (i.e., clones 2, 6, and 7; see page 40). The nucleic acid sequences from these clones were isolated and then re-cloned into a suitable sequencing vector. One of the three genomic clones was determined to contain a partial nucleic acid sequence for human interferon-like polypeptide and another genomic clone (i.e., clone 6) was determined to contain a full-length nucleic acid sequence for human interferon-like polypeptide (see page 62). The amino

acid sequence of human interferon-like polypeptide was determined from the latter nucleic acid sequence.

- 4. The dates on the laboratory notebook pages have been redacted from the photocopies. However, the dates are before July 21, 1998, the date on which U.S. Provisional Application No. 60/093,643 was filed, from which U.S. Application No. 09/487,792 claims the benefit of priority, from which U.S. Patent No. 6,433,145 issued on August 13, 2002.
- 5. Also accompanying this Declaration are photocopies of ten (10) pages from a Research Summary showing that the invention disclosed and claimed in the instant patent application was diligently reduced to practice. Specifically, the photocopies of the Research Summary show that experiments were performed in order to determine the function of protein encoded by the nucleic acid sequence described in paragraph 3 above, and that once the function of the protein had been determined, a Research Summary was prepared and submitted to the legal department of Amgen Inc., the assignee of the instant application. More particularly, photocopies of the Research Summary show that several versions of the human and rat IFN-L proteins were produced in a mammalian expression system (see page 7) and that rat IFN-L:Fc fusion protein treatment of several cell lines was found to cause phosphorylation of cellular proteins (see page 10).
  - 6. The dates on the Research Summary pages have been redacted from the photocopies.
- 7. We hereby declare further that all statements made herein by each of us to our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: June 25, 2004	Signed:
	Andrew A. Welcher
	Duanzhi Wen

Michael Kelly	

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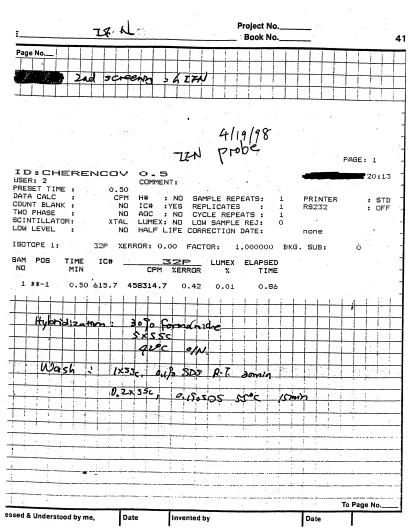
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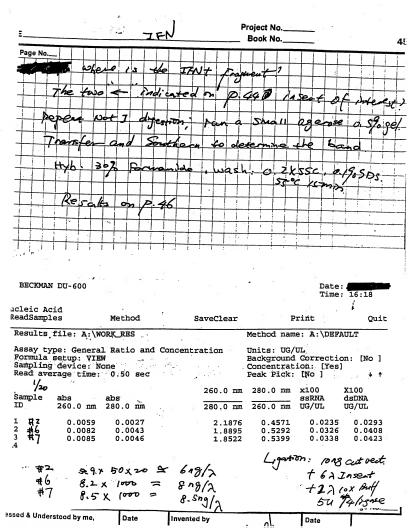
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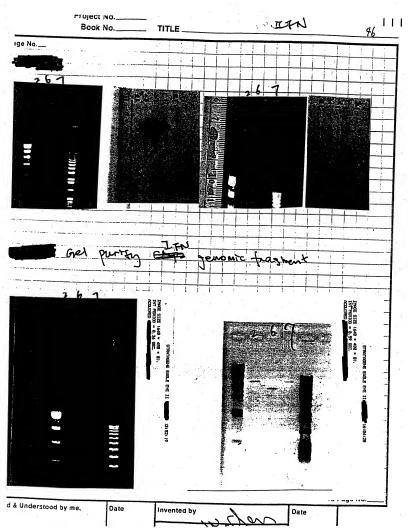


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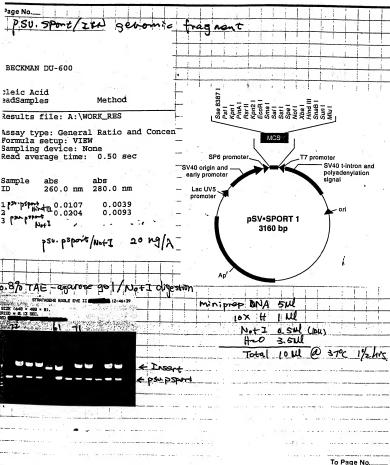


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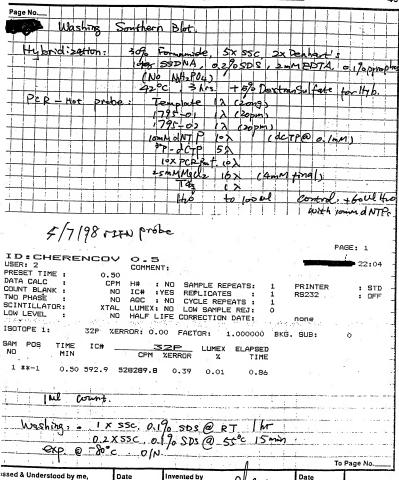
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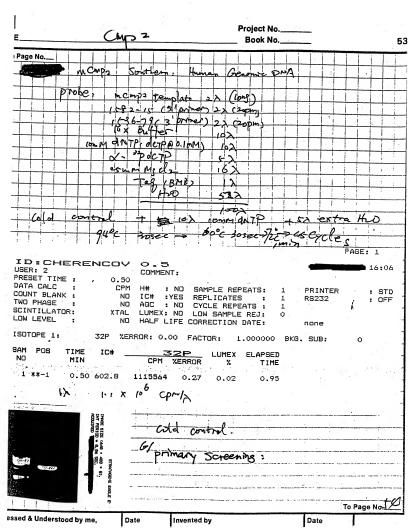
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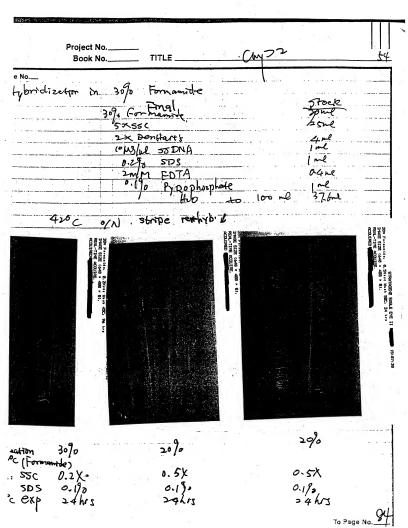


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16 TTTATGTCACTGACACGGACCCTCTAACAGGCTCACCTTTAGTCTTCTACAAACATAATG KYSDCAWEIVRVEIRRCLYY TTTTACAAATTTACAGCTCTATTCAGGAGGAAATAAGGTATATTTTTTGGAATTAAAATTC -----AAAATGITTAAATGICCACATAAGICCTCCTTTATTCCATATAAAAACCTTAATTTTAAG FYKFTALFRRK\*GIFLELKF -CTTTTCCCTCCGAAATCTCTTTCTCCTTCTCCTCCATCTTCTTTTTAAGCATTGTTG GAAAAGGGAGGCTTTAGAGAAAGAGGAAGAGGAGGAGGTAGAAGAAAAATTCCTAACAAC LFPPKSLSPSPPPSSF\*GLL -TGCTGTCCTGTAAGCCTGTCCTCAGTTGCACTGGTAGCCTCGGAACATCAGGGACACTCA ACCACACCACATTCCCCACACCACCACCACCATCCCACCCTTGTAGTCCCTGTCACT C C P V S L S S V G L V A S E H Q G H S CCICTCTAAGGAGAGGIAATGCCAACCATCCTCAGGGTGACCAAGAGTCTCCTTAGAAAG 661 -----GGAGAGATTICCTCTCCATTACGGTTGGTAGGAGTCCCACTGGTTCTCAGAGGAATCTTTC PL \* G E V M P T I L R V T K S L L R K TCTTTAAGACATTTTTAAAGGAATAAGATTCCCTCTCCGTCTTCTTCTTATTCTCTTTCC AGAAATTCTGTAAAAATTTCCTTATTCTAAGGGAGAGGAGGAAGAAGATAAGAGAGAACG S L R H F \* R N K I P S P S S S I L S C 781 -----AGAAAAGACACCGGTAAAACTTTCTCGAAAACGATATATTATTGGTGGACACCTGAAGTGGTT SFLWPF \* KSFAIYTTCGLHQ -GACAATGCCTAGAGGATAGGGAGCAGAGAATGTTGCAAAATGGTAACATTTCAATGACTT CIGITACCGATCICCTATCCCICGICICTTACAACGITTTACCATTGIAAAGITACTCAA DNG \* RIGSRECCKMVTFQ \* L AACTGTTTTGCTGCCAAGGTTGCTTATCCTATGAAAATTCAGCACATTAAAAGAGCTTAT TTGACAAAACGACGGTTCCAACGAATAGGATACTTTTAAGTCGTGTAATTTTCTCGAATA NCFAAKVAYPMKIQHIKRAY ACATGCTCCCTAGAGTCAATACTCTTGCATTTTCCCCCTCCTGCTCGGGGGGAAAAAGGT To Page No.

3	Project No Book No	TITLE	ZgN		78
Page No Vomega I clone Vensus	MALLFPLLAA LVMTSYSPVG	SLGCI PONH GLLSRN	VILVI HORRISE VILVI HORRISE VI	50 21 50	
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Book No.\_\_ 59 Ratio: 2.484 Gams: Percent Similarity: 63.383 Percent Identity: 63.383 Match display thresholds for the alignment(s): I = IDENITTY 5 1 9808902.Con x Mrpe3-00078-F6-Wz.Ctg 1152 CACCTGGCAAAATCTGAGACATCTGAGTAGTATGAGCAATTCATTTCCTG 1103 159 CATCTTGGAAAACATGAAACTTCTGAGCAGCATCAGGACCACCTTTCCCT 208 1102 TAGAATGTCTACGAGAAAACATAGCTTTTGAGTTGCCCCCAAGAGTTTCTG 1053 209 TAAGATGTCTAAAAGATATCACGGATTTTGAGTTTCCTCAAGAGATTCTG 258 1052 CAATACACCCAACCTATGAAGAGGGGACATCAAGAAGGCCTTCTATGAAAT 1003 259 CTGT/ACGTCCAGCATGTGAAAAAGGACATAAAGGCAGTCACCT/ATCAT/ATT 308 1002 GTCCCTACAGGCCTTCAACATCTTCAGCC...AACACACCTTCAAATATT 956 T 111 T T 11 TH H T 11 TH H H H 309 ATCTTCTCTGGCGCTAATTATTTTCAGTCTTAAAGACTCCATCTCCCTGG 358 11 1111 11 1 1 111 111 1 111111 359 CGACAGAGGAACGCTTGGAACGTATCAGATCGGGACTTTTCAAACAAGTG 408 905 GAGTIACCTGAACCAATGCTTIGGAGGAAGACGAGAATGAAAATGAAGACAT 856 1 111 111 11 11 11 1111 1 1 409 CAGCAAGCTCGAGAGTGCATGGTAGACGAGGAGAACAAGA. 855 GAAAGAAATGAAAGAGAATGAGATGAAACCCTCAGAAGCCAG.GCTCCCC 807 453 GGAGG.....AGGACAGTACATCACAACATCCTCACTCAGAGGGCTTC 495 496 AAGGCAGTCTACCTGGAATTGAACAAGTATTTCTTCAGAATCAGAAAGTT 545 546 CCTGGTAAATAAGAAATACAGTTTCTGTGCCTGGAAGATTGTCGTGGTGG 595 706 AAATCAGAAGATGTTTGTATTACTTTTTACAAATT 673 HIII HIIIIIIIIIII THILLIE 596 AAATAAGAAGATGTTTCAGTATATTTTTACAAACT 629 To Page No.

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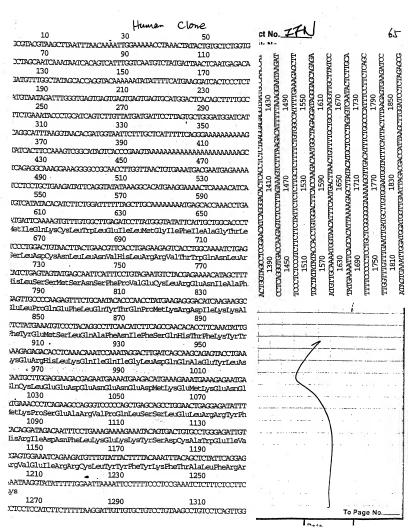
REVERSE-COMPLEMENT of: 9808903.Con check: 57 from: 1 to: 1894 WChen hu DNA=hgmrep3-6.2 assembled by JK: 9808903.con With 1 enzymes: HINDIII HindIII CGCGTACGTAAGCTTAATTTAACAAAATTGGAAAAAACCTAAACTATACTGTGCTCTGGTG 1 ------+ 60 GCGCATGCATTICGAATTAAATTGTTTTAACCTTTTTTGGATTTGATATGACACGAGACCAC ACCTAGCAATCAAATAATCACAGTCATTTGGTCAATGTCTATGATTAACTCAATGAGACA 61 -----+ 120 TGGATCGTTAGTTTAGTGTCAGTAAACCAGTTACAGATACTAATTGAGTTACTCTGT GGATGITTIGGCTATAGCACCAGGTACAAAAAATATATTTTTCATGAAGGATCACTCCCTCT 121 -----+ 180 CCTACAAACCGATATCGTGGTCCATGTTTTTTTATATAAAAGTACTTCCTAGTGAGGGAGA TATGTAATAGATTTGGGTGAGTGAGTGAGTGAGTGCATGGACTCACAGCTTTTGGC 181 -----+ 240 ATACATTÁTCTAAACCCACTCACTCACTCACTCACTCACGTACCTGAGTGTCGAAAACCG TITICIGAAATACCCIGCATCAGICITGITATGATGATICCITAGIGCIGGGATGGATCAT 301 -----+ 360 -----+ 420 CTCAGAGGCAAAGGAAAGGGGCCGCAACCTTGGTTAACTGTGAAATGACGAATGAGAAAA 421 -----+ 480 GAGICICCGITTCCTTTCCCCGGCGTTGGAACCAATTGACACTTTACTGCTTACTCTTTT CICCICCIGCIGAAGATATICAGGIATATAAAGGCACATGAAGGAAAACTCAAAACATCA GAGGAGGACCITCTATAAGICCATATATTTCCGTGTACTTCCTTTTGAGTTTTGTAGT TIGICATATACACATCITCIGGATTITTTTAGCTTGCAAAAAAAATGAGCACCAAACCTGA 

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1 -	CAAATAACGIATATTTTTGCAATTAAAATTCCTTTTCCCICCGAAATCICTTTCTCCTTC	1260	18.			
1261	TCCTCCTCCATCTTCTTTTTAAGGATTGTTGTGCTGTGC	1320				
:	AGGAGGAGGTAGAAGAAAATTICCTAACAACACGACAGGACATTCGGACAGGAGTICAACC  ACTIGGTAGCCTCGGAACATCAGGGACACTCACCTCTCTAAGGACAGGTAATTGCCAACCAT	1200				
Ť	TGACCATCGCACCTTGTAGTCCCTGTCAGTGCACGACTTCCTCTCCATTACGGTTGGTA	1380				
1381	CCTCAGGGICACCAACAGICICCTITAGAAAGICTITTAAGGCATTITTAAAGGAATAACAT	1440				
1441	TCCTCTCCGCTTCTTCTATTCTCTCTTGCTCTTTTCTGTGGCCATTTTGAAACACCTT	1500	63	17.47	To Pag	je Nc



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assembled by JK

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to: Mrpe3-00078-F6-Wz.Ctg check: 4485 from: 1 to: 963

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To: WCHEN

DONGYINY . . .

Subj:
From: INTRON::JCAO 12:24:38.19

Symbol comparison table: Gencoredisk:[Gcgcore.Data.Rundata]Swgapdna.Omp CompCheck: 2335

Gap Weight: 50 Average Match: 10.000
Length Weight: 3 Average Mismatch: -9.000

Match display thresholds for the alignment(s):

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9808903.Rev x Mrpe3-00078-F6-Wz.Ctg

555 TCTICIGGATTITTTAGCIT ..GCAAAAAAAATGAGCACCACAAACCTGATA 602

21 TGTTGTAGATATTTTTCCTTTGGAAGAATACTGAGCACCAAGGCTGAGA 70

603 TGATTCAAAAGIGTTTGTGGCTTGAGATCCTTATGGGTATATTCATTGCT 652

71 TGACACTGAAGTATTTATGGCTGGTGGCCCTCGTGGCTCTATACATTTCA 120

653 GGCACCCTATCCCTGGACTGTAACTTACTGAACGTTCACCTGACAACAGT 702

121 CCCATCCAGICTCAGAACTGT......GTGTATCTGGATCATAC 158

703 CACCTGGCAAAATCTGAGACATCTGAGTAGTAGTATGACCAATTCATTTCCTG 752

753 TAGAATGTCTACGAGAAAACATAGCTTTTGAGTTGCCCCAAGAGTTTCTG 802

209 TAAGATGTCTAAAAGATATCACGGATTTTGAGTTTCCTCAAGAGATTCTG 258

803 CAATACACCCAACCTATGAAGAGGGCACATCAAGAAGGCCTTCTATGAAAT 852

259 CIGTACGICCAGCATGIGAAAAAGGACATAAAGGCAGICACCTATCATAT 308

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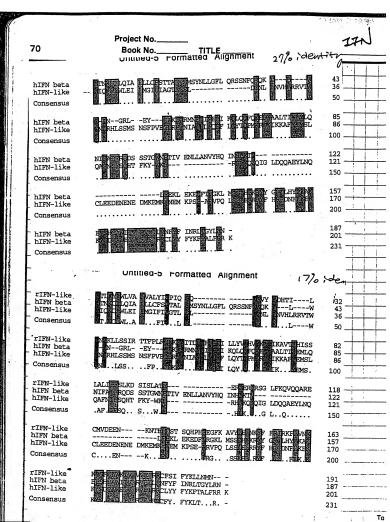
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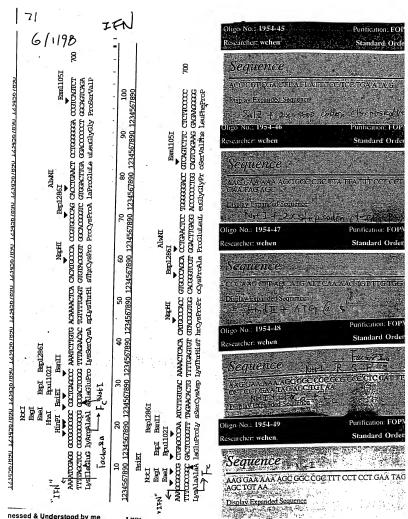
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72	Project No Book No	TITLE	7	7N)	
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## RESEARCH SUMMARY PAGE

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#### Gene Name:

#### All Known Alias Gene Names:

Human: Zhwxc00-00001-a1 Rat: Agp-22423-a1		Member of the interferon family of proteins Name: Interferon-like protein.	
114.5	à		

## Investigator(s): Initial Date of Summary Preparation:

Duanzhi Wen, Andrew Welcher, Michael Kelley	Initial invention disclosure filed  This summary filled in on

#### Description of Project:

This novel member of the interferon family of proteins is related to the beta, alpha, and omega subfamilies. As an interferon it would be expected to have anti-infective and anti-proliferative uses. Additionally, it might find use in the treatment of multiple sclerosis and other pathologies requiring immunomodulation.

#### Gene Nucleotide Sequence:

	Huma	an.
i		GGTACGTA AGCTTAATTT AACAAAATTG GAAAAACCTA AACTATACTG
		TGCTCTGGTG ACCTAGCAAT CAAATAATCA CAGTCATTTG GTCAATGTCT
	101	ATGATTANCT CAATGAGACA GGATGTTTTGG CTATAGCACC AGGTACAAAA
	151	ANTATATTTT CATGAAGGAT CACTCCCTCT TATGTAATAG ATTTGGGTGA
	201	GTGAGTGAGT GAGTGAGTGC ATGGACTCAC AGCTTTTGGC TTTCTGAAAT
	251	ACCCTGCATC AGTCTTGTTA TGATGATTCC TTAGTGCTGG GATGGATCAT
	301	CCAGGCATTT AAGGTAACAC GATGGTAATT CTTTGCTCAT TTTTCAGGGA
	351	AAAAAAAAG TTATCACTTC CAAAGTCGGC ATAGTCACCC GAAGTAAAAA
	401	AAAAAAAAA AAAAAAAAGC CTCAGAGGCA AAGGAAAGGG GCCGCAACCT
-	451	TGGTTAACTG TGAAATGACG AATGAGAAAA CTCCTCCTGC TGAAGATATT
-	501	CAGGTATATA AAGGCACATG AAGGAAAACT CAAAACATCA TTGTCATATA
- 1	551	CACATCTTCT GGATTTTTTA GCTTGCAAAA AAAATGAGCA CCAAACCTGA
- 1	601	TATGATTCAN ANGTGTTTGT GGCTTGAGAT CCTTATGGGT ATATTCATTG
J	651	CTGGCACCCT ATCCCTGGAC TGTAACTTAC TGAACGTTCA CCTGAGAAGA
- 1	701	GTCACCTGGC AAAATCTGAG ACATCTGAGT AGTATGAGCA ATTCATTTCC
- 1	751	TGTAGAATGT CTACGAGAAA ACATAGCTTT TGAGTTGCCC CAAGAGTTTC
	801	TGCAATACAC CCAACCTATG AAGAGGGACA TCAAGAAGGC CTTCTATGAA
- 1	851	ATGTCCCTAC AGGCCTTCAA CATCTTCAGC CAACACACCT TCAAATATTG
- 1		GAAAGAGAGA CACCTCAAAC AAATCCAAAT AGGACTTGAT CAGCAAGCAG
	951	AGTACCTGAA CCAATGCTTG GAGGAAGACG AGAATGAAAA TGAAGACATG
- 1	1051	AAAGAAATGA AAGAGAATGA GATGAAACCC TCAGAAGCCA GGGTCCCCCA GCTGAGCAGC CTGGAACTGA GGAGATATTT CCACAGGATA GACAATTTCC
- 1	1101	TGAAAGAAAA GAAATACAGT GACTGTGCCT GGGAGATTGT CCGAGTGGAA
- 1	1151	ATCAGAAGAT GTTTGTATTA CTTTTACAAA TTTACAGCTC TATTCAGGAG
- 1	1201	GAAATAAGGT ATATTTTTGG AATTAAAATT CCTTTTCCCT CCGAAATCCC
- 1	1251	TTTCTCCTTC TCCTCCTCCA TCTTCTTTTT AAGGATTGTT GTGCTGTCCT
- 1	1301	GTAAGCCTGT CCTCAGTTGG ACTGGTAGCC TCGGAACATC AGGGACACTC
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1401	TCCTTAGAAA	GTCTTTAAGA	Cammonnassa	GGAATAAGAT	TCCCTCTCCG
1451	TCTTCTTCTA	TTCTCTCTTG		TGGCCATTTT	TCCCTCTCCG
1501	TGCTATATAT	ACCACCTGTG	CACTOTOLOGIC	AGACAATGGC	
1551	GGAGCAGAGA	ATGTTGCAAA	ATGGTAACAT	TTCAATGACT	TAGAGGATAG
1601	GCTGCCAAGG		TATGAAAATT		TAACTGTTTT
1651	TACATGCTCC	CTAGAGTCAA		TTTTCCCCCT	AAAGAGCTTA
1701	GGGAAAAAGG	TTGACATTTC	TROCCOCCI TOCK	CCTTCTCACC	CCTGCTCGGG
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451	ATCACAACAT				CTGGAATTGA
501	ACAAGTATTT	CTTCAGAATC			GAAATACAGT
551	TTCTGTGCCT				
601	ATTTTACAAA				
651 701	AACTTAGATA			GTCCCCAAGA	ACCCTTGATT
	CTAAGGCTAT	TGCGAGTCTG	CTGCTACACA		
751	AAGGTCAGGG	TTCAAGGTAG		GGAAGTCTTA	
801 851	AAGAAAAATT	TCAGTGGAAA		AATGTCAACT	
901	ACAACTTATG	GATTATGGCA	TTGACGTTAC	TAGCAAAAAA	AATAAAACAA
30T	AAAAAAACAA	222			

## Gene Amino Acid Sequence:

## Human:

1 MOTREDNIOK CLWLEILMGI FIAGTLSLDC NILNVHLRRV TWONLEHLSS
1 MOTREDNIOK CLWLEILMGI FIAGTLSLDC NILNVHLRRV TWONLEHLSS
1 SANSFOVECL RENIAFELPG EFLOYTOPHK RDIKKAFVEM SLQAFNIFSQ
101 HTEKWERRH LKOZIGLIGU QASYLMOCLE BOENENDRUK EMENDEMSES
151 EARVYOLSSI ELRNYFHRID NFLKEKKYSD CAWEIVRVEI RRCLYYFYEF
201 TALFRK\*

#### Rat:

1 MTLKYLWLVA LVALYISPIQ SQNCVYLDHT ILEMMKLLSS IRTTPPLRCL 1 KDITDFEFFQ EILLYYQHVK KDIKAVYYHI SSLALIIFSL KDSISLATER 101 REBRIRSGLF KQVQARECH VBERKOYRED BETSOHPHSE GFKAVYLELN 151 KYFFRIRKFL VNKKYSFCAM KIVVVEIRRC FSIFYKLLAM N°

# Figure Containing cDNA and Amino Acid Sequences:

Human:

# Sequence Analysis of Human IFN-novel

A human gene which encodes a novel protein of 207 amino acids was isolated by screening the human genomic DNA library using a rat cDNA clone. The deduced amino acid sequence of this novel gene is indicated below the first nucleotide of each codon, and the termination codon is marked with an asterisk. The protein starts with cysteine, and the signal peptide is underlined. This novel protein is 27% identical to human IFN-B.

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41	TG	ICA	AAA	AAA	AAC	TT	TGC	AT	TAT	GC.	ATI	ACC	717	CT	AGC!	LAAJ	W	<b>AAT</b>	W	CAA	900	
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#### Cloning Information:

The rat sequence was cloned from a rat placenta cDNA library as part of an EST project and was identified by computer analysis as being a novel member of the interferon family of proteins. Briefly, rat embryo day 17 [B17] placenta mRNA was isolated by standard methods (unnecessary information) (Chomczynski, P. and Sacchi, N., Anal. Biochem. 162, 156, 1987). cDNA was synthesized using the SuperScript Plasmid cDNA kit supplied by GIBCO/BRL and subcloned into the pSPORT1 (GIBCO/BRL) vector into the Sal 1 and Not 1 restriction sites.

## Cloning of Human IFN-like gene:

Multiple attempts to clone the human IFN-like gene from a variety of human tissue cDNA libraries failed to yield positive clones. However, a human tissue Northern Blot

hybridized with a PCR-generated radioactive rat probe revealed an 1.8 kb Hind III fragment in certain batches of human pancreas mRNA. Attempts to clone this corresponding message in a pancreas cDNA library failed to recover any positive clones.

Examination of the genomic structures of known IFNs revealed that IFN, especially the members in the IFNa family, all share a unique intronless genomic structure. Therefore, screening of human genomic DNA might yield the complete human IFN-like gene. We started with 1x10<sup>6</sup> human lambda genomic clones (Stratagene, Cat. No. 946206) for primary screening at a density of 50, 000 clonies / plate (unnecessary information). Nitrocellulose filters (unnecessary information) (S&S) were prepared by standard techniques (Molecular Cloning, A Laboratory Manual, Sambrook, Fritsch, and Maniatis editors).

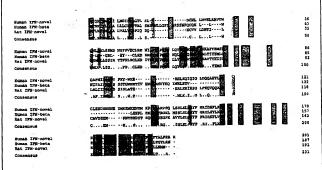
The following conditions were used.

- Prehybridization and hybridization conditions: 30% formamide, 5x SSC, 2x Denhart's, 10µg/ml Salmon sperm DNA, 0.2% SDS, 2mM EDTA and 0.1% pyrophosphate. Hybridization was conducted overnight at 42°C. The washings were done under following conditions: 1x SSC, 0.1%SDS at room temperature for 30-60 minutes followed by 0.2x SSC and 0.1%SDS at 55°C for 15 minutes.
- Generation of radioactive PCR probe (unnecessary information): rat cDNA full-length fragment 20ng, primer 1795-01 and 1795-02, 20 pmol each, Immol dNTP (dCTP @ 0.01mmol), 32P-dCTP 5 ml and 4mM MgCl2. Reaction condition: denature at 94 °C for 30sec, anneal at 60 °C for 30sec and clongate at 72 °C for 1 minute. The reaction is repeated for a total of 45 times. Simultaneously a "cold" PCR reaction is performed under exact condition except the dNTP mix is dCTP balanced. The radioactive probe was purified by Quick Spin G-50 column and boiled at 100 °C for 10 minutes before chilling on dry ice for 20 minutes. The probe is usually 5x10<sup>3</sup> cpm/µl.

Three positive clones were recovered after primary, secondary screening and subsequently purified to homogeneity. The lambda phage DNA was prepared by a solid plate culture method. The NotI insert from these clones were excised out and ligated into pSport (GIBCO BRL) vector and transformed into DH10 E. coli strain. The transformants were prepared by Qiagen Spin Column plasmid prep kit. The plasmid DNA was then digested with HindIII. The digested fragments were resolved on agarose gel and transferred to a nylon membrane for Southern Blot analysis. The analysis was conducted under the same condition genomic screening was carried out. The corresponding fragment recognized by "hot" rat probe was then subloned in pSport vector for sequencing analysis. According to the HindIII digestion pattern, we determined these three independent clones were likely to contain identical genomic insert. The sequencing analysis confirmed our speculation. This 1.8kb HindIII fragment contains an open reading frame of 624 base pairs that has 64% similarity to the sequence of rat mrpe3-00078-F6-Wz. In terms of similarity in amino acid sequence, the human sequence is 40.5% identical to and 50% similar to that of rat. All 5 predicted Cysteine residues were perfectly aligned with those in rat protein sequence. Moreover, the human sequence is predicted to contain a signal peptide and cleavage site. The human IFN-like protein is strongly predicted to resemble a secreted cytokine molecule (91% probability).

## Homology of Multiple Gene Family Members:

# Amino Acid Sequence Alignment of Human IFN-novel, Rat IFN-novel and Human IFN-β



 Human IFN-novel is most close to human IFN-β, with 30% identity. Four out of five cysteine residues are conserved between them.

#### Presence and Distribution of mRNA in Different Tissues:

Northern blot analysis detected IFN-like mRNA in several different stages of mouse and rat embryos. Northern blots used RNA isolated as above. The full-length rat cDNA was used as a probe. Prehyb conditions were 40 % formamide, 5X SSC, 1 mM EDTA, 0.1 % SDS, for 4 h at 42°C. Hyb conditions were the same as above except were done overnight at 42°C. Blots were washed with 0.2x SSC, 1 mM EDTA, and 0.1% SDS for 30 min at 60°C.

RT-PCR (conditions are not necessary - standard technology) identified IFN-like mRNA in the following human tissues: pancreas, small intestine, prostate, uterus, thyroid, and placenta.

#### Recombinant Protein Expression:

Production of human and rat IFN-like protein in E. coli:

Waiting on data from Karen Simey. However, the E. coli protein did not appear to be folded correctly and has not yet generated any biologically active material.

# Production of human and rat IFN-like protein in a mammalian expression system:

Several versions of the human and rat IFN-like protein have been produced in a mammalian expression system (either CHO or 293 cells). The proteins synthesized were either the native protein itself, or a native protein-Fc fusion. Some of the Fc fusion constructs contained a cleavage site which allows the native protein to be released from the Fc portion after being produced in the conditioned media of CHO cells.

PCR amplification of IFN-like molecule:

PCR primers were selected to amplify the coding sequence of rat/human IFN-like molecule:

#### Rat IFN-Like Molecule primers:

IFN-Like molecule Fc-fusion:

1847-77 CCC AAG CTT ACC ATG ACA CTG AAG TAT TTA TG

Forward primer: Hind III site plus ATG

1847-78 AAG GAA AAA AGC GGC CGC ATT CAT GTT GAG TAG

Reverse primer: Not I site and no stop codon for Fc fusion

Soluble IFN-like molecule:

1896-56 ACG CGT CGA CTC ATC AAT TCA TGT TGA GTA GTT TG Reverse primer: Sal I site plus 2 stop codons (for pDSRα cloning).

1896-57 AAG GAA AAA A<u>GC GGC CGC</u> TCA TCA ATT CAT GTT GAG TAG Reverse primer: Not I site plus two stop codons (for pCEP4 cloning).

#### Human IFN-like primers:

Soluble human IFN-like primers:

1954-45 ACG CGT CGA CTT ATT ATT TCC TCC TGA ATA G

Reverse prime: Sal I site plus 2 stop codons (for pDSRa cloning).

1954-46 AAG GAA AAA AGC GGC CGC TTA TTA TTT CCT CCT GAA TAG AGC Reverse primer: Not I site plus two stop codons (for pCEP4 cloning).

Human IFN like-Fc fusion primers:

1955-44 CCC AAG CTT ACC ATG AGC ACC AAA CCT GAT ATG Forward primer: Hind III site with 1st ATG

1954-47 CCC AAG CTT ACC ATG ATT CAA AAG TGT TTG TGG C

Forward primer: Hind III site with 2nd ATG

1954-48 AAG GAA AAA A<u>GC GGC CGC</u> *GCG GCC CTC GAT* TIT CCT CCT GAA TAG AGC TGT AA

Reverse primer: Not I site, no stop codon with Factor Xa cleavage site and Fc fusion 1954-49 AAG GAA AAA AGC GGC CGC TTT CCT CCT GAA TAG AGC TGT AA Reverse primer: Not I site and no stop codon for Fc fusion

#### PCR Reaction:

Rat:

Reaction Mixture: template 20 ng, 1847-77 and 1847-88 or 1896-56/57, 20 pmol each, 1mmol dNTPs, 4mM MgCl2, 1X PCR buffer, 5u Taq polymerase.

Reaction condition: 2 cycle-linked PCR.

94 °C for 30 °C sec, 50 °C for 30 sec and 72 °C for 1 minute, for a total of 4 cycles, follow by 94

°C for 30 °C sec, 55 °C for 30 sec and 72 °C for 1 minute, for a total of 26 cycles.

Human interferon-like protein PCR conditions:

Reaction Mixture: template 20 ng, 1955-44 and 1954-45 or 1954-46 (soluble form) or 1945-48/49 (Fe fusion), 20 pmol each, 1mmol dNTPs, 4mM MgCl2, 1X PCR buffer, 5u Taq plymerase.

Reaction condition: 2 cycle-linked PCR.

94 °C for 30 °C sec, 48 °C for 30 sec and 72 °C for 1 minute, for a total of 4 cycles, follow by 94 °C for 30 °C sec, 55 °C for 30 sec and 72 °C for 1 minute, for a total of 26 cycles.

While 1955-44 primer generates an ORF using first Met in the coding region, a separate PCR with 1954-47 to obtain an insert using 2nd downstream Met was also generated. But in terms of secretion efficiency, when tested in 293 EBNA transient transfection, there was no detectable difference could be defined.

For both rat and human, the PCR products were purified by Qiagen PCR purification spin column and subjected to restriction digestion by respective enzymes (HindIII and Notl (pCEP4) or SalI(pDSR $\alpha$ )). After digestion, the fragment was purified from agarose gel with Qiagen gel purification spin column. The purified fragment was quantified and ligated into pCEP4 (for native form), pCEP4-Fc (for Fc form) or pDSR $\alpha$  (native form or Fc form) vectors respectively. The ligation was transformed into DH10. The transformants were picked for miniprep and subsequent sequencing verification. Accuracy of each cloning fragment was verified by sequencing including the Fc junction sequence. The clone was then maxi-prepared for tissue culture transfection experiments. The IFN-Fc fragment in pCEP4-Fc vector can be released by cutting this vector with HindIII and SalI and re-ligated this fragment into pre-digested pDSR $\alpha$  to yield a vector suitable to transfect CHOD cells.

#### Transfection:

- Protocol for transfection into 293 EBNA and CHO cells with lipofectin was adopted from the one used by Jin Cao. Same protocol was used to generate both transfert and stable transfectants.
- A commercial available calcium phosphate transfection kit was used in CHO cell stable transfection (protocol is attached).
- A CHO cell transfection and selection protocol from Yi Luo was utilized, except calcium
  phosphate transfection procedure, which has a commercially available kit.

In general, lipofectin transfection yields more stable transfection colonies. Those colonies express comparable level of secreted proteins as those picked from calcium phosphate method.

Generate conditioned media containing recombinant protein.

In order to conduct functional studies on this interferon-like molecule, large quantity of conditioned media (CM) were generated from a pool of bygromycin selected 293 EBNA clones. The cells were cultured in Nunc Triple Flask (500cm) to 80% confluence before switching to serum free media for a week before harvesting. The CM was then sent to purification with protein A affinity chromatography. The purified protein was then used to generate a rabbit polyclonal antibody and to test for in vitro activities. The processing of signal peptide as well as partial amino acid sequence was verified by peptide sequencing.

# Purification of human IFN-like-Fc

Conditioned media from CHO cells expressing huIFLM-Fc was thawed and 0.2µm filtered. The filtered material was loaded onto a Protein G column that was previously equilibrated with PBS, pH 7.0. After loading, the column was washed with PBS until the absorbence at A235 reached baseline. The protein was eluted from the column with 0.1M Glycine-HCl pH 2.7 and dimmediately neutralized with 1M Tris-HCl pH 8.5. Fractions containing huIFLM-Fc were pooled and dialyzed into PBS and stored at -70°C.

## Factor Xa cleavage of human IFN-like-Fc

The human IFN-like-Fc construct has a Factor Xa cleavage site (IEGR) inserted between the Fc and hulf-I.M. This site is cleaved with restriction protease factor Xa. The human IFN-like-Fc in PBS was dialyzed into 50mM Tris-HCl, 100mM NaCl, 2mM CaCl<sub>2</sub>, pH 8.0. The Factor Xa was added to the dialyzed protein at 1/100 (w/w). The sample was incubated overnight at room temperature.

Abs (available,	ordered.	proposed)
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Peptides:		 	

# Phenotype and/or Biological Activity:

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·· I ransgeine /	(pending / analyzed)	
	(pending / analyzen)	

other

Because the lack of a phenotype constitutes a 'negative' result no conclusions can be drawn from this experiment. Further testing will be required to determine any or all of IFN-like proteins' biological activities in vivo.

2. in vivo assays:

(available, used, proposed)

Not done.

3. in vitro assays:

(available, used, proposed)

Rat IFN-like Fc fusion protein treatment of several cell lines caused phosphorylation of some cellular proteins (unidentified).

#### References:

Nothing specifically published on this gene. Lots of references for the interferon family.

## Genomic DNA Sequence (Le. including all introns and exons):

The human gene was cloned from genomic DNA. The attached sequence (above) comes from genomic DNA and includes the coding region which is found in one exon, and the flanking regions.

#### Ortholog DNA Sequences:

Human and rat sequences cloned.